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Attorneys for Defendant
ECOLAB INC.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOYCE SHARON FREDRICKSON
and JERRY FREDRICKSON,

Plaintiffs,

v.

HOLIDAY RETIREMENT CORP.;
HILLTOP ESTATES; ECOLAB
INC.; AND DOES 1 THROUGH 25,
Inclusive,

Defendants.

**Civil Case No.: CIV.S-04-01061 WBS
CMK**

(Removed from Shasta County Superior
Court, Case No. 151501)

**STIPULATION OF DISMISSAL OF
PLAINTIFFS JOYCE SHARON
FREDRICKSON AND JERRY
FREDRICKSON'S COMPLAINT AS
AGAINST DEFENDANT ECOLAB INC.
ONLY; [PROPOSED] ORDER**

Action Filed: April 22, 2004
Discovery Cut-Off: May 13, 2005
Motion Cut-Off: July 1, 2005
Trial Date: October 25, 2005

IT IS HEREBY STIPULATED, by and between plaintiffs Joyce Sharon Fredrickson and Jerry Fredrickson, and defendant Ecolab Inc., and, defendants Holiday Retirement Corporation and Hilltop Retirement Residences II, Limited Partnership, through their designated counsel, that plaintiffs Joyce Sharon Fredrickson and Jerry Fredrickson's Complaint, in the above-entitled action, be and hereby is dismissed, with prejudice, pursuant to FRCP, Rule 41(a)(1) as to defendant Ecolab Inc. only. Plaintiffs and Ecolab Inc. to bear their own respective costs and fees.

1 IT IS FURTHER SIPULATED that this Stipulation may be executed
2 in counterparts and that facsimile signatures will be accepted.

3 DATED: September __, 2005 LAW OFFICES OF JAMES A. WYATT
4

5 By: _____
6 James A. Wyatt, Esq.
7 Attorneys for Plaintiffs
8 JOYCE SHARON FREDRICKSON and
9 JERRY FREDRICKSON

10 DATED: September __, 2005 BOWMAN AND BROOKE LLP
11

12 By: _____
13 Mike H. Madokoro
14 Richard G. Morgan
15 Gregory P. Gilmer
16 Attorneys for Defendant
17 ECOLAB INC.

18 DATED: September __, 2005 NISSON & PINCIN
19

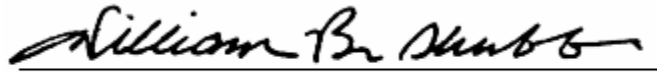
20 By: _____
21 Timothy J. Nisson
22 Attorneys for Defendants
23 HILLTOP RETIREMENT
24 CORPORATION and HILLTOP
25 RETIREMENT RESIDENCE II, LIMITED
26 PARTNERSHIP
27
28

ORDER

Pursuant to the above stipulation, this action is hereby dismissed, with prejudice, pursuant to FRCP, Rule 41(a)(1) as to defendant Ecolab Inc. only. Plaintiffs and Ecolab Inc. shall bear their own respective costs and fees.

IT IS SO ORDERED.

DATED: September 26, 2005


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE
1013A (3) CCP Revised 5/1/88

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 879 West 190th Street, Gardena, California 90248.

On September 20, 2005, I served the foregoing document(s) described as **STIPULATION OF DISMISSAL OF PLAINTIFFS JOYCE SHARON FREDRICKSON AND JERRY FREDRICKSON'S COMPLAINT AS AGAINST DEFENDANT ECOLAB INC. ONLY; [PROPOSED] ORDER** to all interested parties [X] by placing a true and correct copy thereof enclosed in sealed envelope(s), addressed as follows:

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Minneapolis, MN 55402-4244

Telephone: (612) 339-8682

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Attorneys for Defendant
HILLTOP RETIREMENT RESIDENCE II
LIMITED PARTNERSHIP

[X] BY U.S. MAIL: [X] As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day, during the ordinary course of business, with postage thereon fully prepaid at Gardena, California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on September 20, 2005 at Gardena, California.

[X] (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Vivian Gomez